IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY,
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1300 of 2005

Between:

Adapa Satyanarayana, S/o. Kamaraju,
R/o. Jaddangi (V), Rajavommangi (M),
East Godavari District.

..... PETITIONER

AND

1 The Additional Agent to the Government, East Godavary District at Rampachodavaram.
2 The Special Deputy Collector, Rampachodavaram.
3 The Mandal Revenue Officer, Rajavommangi, East Godavari District.
4 Gudem Laxmi, D/o. Atchanna,
R/o. Jaddangi (V), Rajavommangi Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ or order or direction more particularly on in the nature of Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of 7 acres inSy.Nos.513/3, 512/4 of Jaddangi Village Rajavommangi Mandal, East Godavari District in pursuance of the order passed by the 2nd Respondent in L.T.R.P. No. 74/2004 as illegal, arbitrary and unjust and consequently direct the respondents 2 & 3 not to evict the petitioner from the above land pending disposal of the appeal preferred before the 1st respondent.

Counsel for the Petitioner:MR.K.VENKATESH

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4 : None appeared

-

-

The Court made the following order:

-

-

Heard learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 to 3.

This writ petition is filed seeking a declaration that the action of the respondents in seeking to evict the petitioner from the land to an extent of Ac.7.00 in S.Nos.513/3 and 512/4 of Jaddangi village, Rajavommangi Mandal, East Godavari District in pursuance of the orders passed by the second respondent-Special Deputy Collector, Rampachodavaram in L.T.R.P.No. 4/2004 is arbitrary and illegal.

The case of the petitioner is that against the order of the second respondent in L.T.R.P.No.74 of 2004 he has already preferred an appeal before the first respondent- Additional Agent to the Government, East Godavary District at Rampachodavaram along with an application for stay. However, the first respondent has not considered the said application so far and in the meanwhile respondents 2 and 3 are taking steps to evict him from the land in question.

Having regard to the facts and circumstances of the case, I am of the view that it is necessary in the interest of justice to protect the rights of the petitioner pending the statutory appeal.

Accordingly, the writ petition is disposed of with a direction to the first respondent to dispose of the appeal preferred by the petitioner against the order dated 18.11.2004 in L.T.R.P.No.74 of 2004 as expeditiously as possible, preferably within a period of three months from the date of receipt of this order. Pending the appeal, the order in L.T.R.P.No.74 of 2004 passed by the second respondent shall remain suspended.

_____

01.02.2005

SH

To

1 The Additional Agent to the Government, East Godavary District at Rampachodavaram.
2 The Special Deputy Collector, Rampachodavaram.
3 The Mandal Revenue Officer, Rajavommangi, East Godavari District.
4 2CCs to the G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT).

5 2CD copies